

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2686 OF 2005

Suresh Aadgonda Patil .. Petitioner.
Versus
Mahadev Dnyandev Salunkhe & Ors. .. Respondents.

Mr. S.S. Patwardhan for the Petitioner.
Mr. A.M.Kulkarni for Respondent No.1.

CORAM : S. A. BOBDE, J.
DATED : 27TH JUNE, 2005.

P.C.:

1. Heard learned Counsel for the parties.
2. It seems that there is misapprehension on the part of the Petitioner that Exh. 175, which is subsequent affidavit of evidence, has been returned or has been allowed to be withdrawn. The learned counsel for the Petitioner is not in a position to point out any order to that effect. On the contrary, the Trial Court, Civil Judge, Sr. Division, Sangli has in the

order dated 17.2.2005 observed as follows in paragraph- 5 :-

"In view of the ratio laid down by His Lordship of Orissa High Court it is for the concerned parties to raise the objection at the hearing of the matter but the court has no jurisdiction to discard, reject or return the evidence adduced by a witness through affidavit."

3. There is no merit in the petition. It is hereby dismissed.

4. Liberty to the Petitioner to apply for expeditious disposal of the Election Petition.

.....